

DEPARTMENT OF DEVELOPMENTAL SERVICES
AGENCY LANGUAGE ACCESS PLAN
DATE 2013—2014

I. Introduction

The Department of Developmental Services [DDS] is responsible for addressing a variety of issues to ensure that the services offered to people with intellectual disabilities and their families are of the highest quality. This responsibility is reflected in laws, statutes, and regulations, which establish certain standards, protect the rights of people we serve, and ensure opportunities for them to be involved in making the decisions that affect the quality of their own lives.

DDS has prepared this Language Access Plan ("LAP or "Plan"), which defines the actions to be taken by Agency to ensure meaningful access to agency services, programs, and activities on the part of persons who have limited English proficiency. Title VI and Executive Order 13166 requires recipients of federal financial assistance to take reasonable steps to ensure access to their programs and services by persons who do not speak English as their primary language and who have a limited ability to read, write or understand English.

The Agency will review and update, on a biannual basis, this LAP to ensure continued responsiveness to community needs and compliance with Title VI and the Executive Office for Administration and Finance (ANF) Administrative Bulletin 16.

II. Purpose

The purpose of this plan is to ensure that the Agency continues to advance access and equal opportunity for all persons, ensuring Limited English Proficiency access to agency services, programs, and activities in a nondiscriminatory basis.

Consistent with the guidance of ANF Administrative Bulletin 16, a Limited English Proficient ("LEP") person is someone who is not able to speak, read, write, or understand the English language at a level that allows him/her to interact effectively with agency staff. Individuals seeking services from the Agency maintain the right to self-identify as LEP persons.

The plan should be viewed as management document that outlines how the agency will maintain compliance with the requirements of the Administrative Bulletin 16 as promulgated by the Executive Order of Administration and Finance. In addition, it will describe how the Agency will meet and deliver LAP policy directives, assign responsibility, and provide Agency staff with guidance for implementation.

III. Agency Description

The Agency’s mission is dedicated to creating, in partnership with others, innovative and genuine opportunities for individuals with intellectual disabilities to participate fully and meaningfully in, and contribute to, their communities as valued members.

The Department provides support services to the following:

- Adults 18 years or older with intellectual disabilities;
- People whose permanent primary home is in Massachusetts;
- People who need assistance to live and work in the community; and,
- Families with children with a developmental disability under 18 years of age who are prioritized for supports

The Agency is organized by region, please see chart below:

[Central Office](#)

Central West Region	Northeast Region	Southeast Region	Metro Region	Facilities
<u>Central West Regional Office</u>	<u>Northeast Regional Office</u>	<u>Southeast Regional Office</u>	<u>Metro Regional Office</u>	<u>Fernald Developmental Center</u>
<u>Berkshire</u>	<u>Central Middlesex</u>	<u>Brockton</u>	<u>Charles River West</u>	<u>Glavin Regional Center</u>
<u>Franklin/Hampshire</u>	<u>Lowell</u>	<u>Cape Cod/Islands</u>	<u>Greater Boston</u>	<u>Hogan Regional Center</u>
<u>Holyoke/Chicopee</u>	<u>Merimack Valley</u>	<u>Fall River</u>	<u>Middlesex West</u>	<u>Templeton Developmental Center</u>
<u>North Central</u>	<u>Metro North</u>	<u>New Bedford</u>	<u>Newton/South Norfolk</u>	<u>Wrentham Developmental Center</u>
<u>South Valley - Milford</u>	<u>North Shore</u>	<u>Plymouth</u>		
<u>South Valley - Southbridge</u>		<u>South Coastal</u>		
<u>Springfield/Westfield</u>		<u>Taunton/Attleboro</u>		
<u>Worcester</u>				

A description of how the Agency is organized is listed below in the following manner, Area Offices, Regional Offices, and Central Office.

Area Offices:

Most individuals and families have contact with us through their local Area Office. These 23 offices are located throughout Massachusetts. Area Offices are responsible for managing and monitoring the services we provide/ arrange for individuals served by us and their families who live in the cities/towns covered by the respective Area Office.

Functions performed at an Area Office include:

- information and referral;
- service coordination/case management;
- service planning, prioritization and arrangements;
- licensure and Certification Review
- complaint resolution; and,
- citizen and family involvement

Regional Offices:

Each Area Office reports to one of four Regional Offices. The Regional Offices are geographically located around the state: Central West Region, Northeast Region, Southeast Region, and Metro Region. The Regional Office provides management of the area offices and performs the following regional functions:

- intake and eligibility determination;
- Responsible for Risk management
- procurement and contracts;
- business, legal and administration; and,
- informal conferences to resolve disputes about the identification, prioritization, or provision of services Central Office:

Located in Boston at 500 Harrison Avenue, the Central Office oversees all of our functions and operations throughout the state and establishes statewide policies and procedures. These statewide functions include:

- Commissioner's Office;
- Community field operations;
- Diversity/Civil Rights/Equal Opportunity;
- Finance, budget and contracts;
- Human rights;
- Investigations;
- Legal;
- Policy, planning and children's services;
- Quality management; and,
- Volunteers and board membership



IV. LANGUAGE ACCESS PLAN

The Department of Developmental Services LAP shall be implemented to adhere to the Language Access Guidelines of ANF Administrative Bulletin 16. Making a good faith effort to implement the plan as budget constraints allows but always ensuring compliance with the plan is part of the Agency's Strategic Plan. This Language Access Plan represents the Agency's administrative blueprint to provide meaningful access to Agency services, programs, and activities on the part of LEP individuals. The objectives of this Language

Access Plan are to: (a) Improve access to and the quality of Agency services, programs and activities for non-English speakers and LEP persons; (b) Reduce disparities and delays, if any, in the provision of state services/programs to eligible non-English speakers and LEP persons compared with eligible English speakers; and, (c) Increase agency effectiveness and public satisfaction. Additionally, these Guidelines are meant to establish a common baseline for creating access to non-English speakers and LEP persons.

This Language Access Plan below outlines the tasks the Agency will undertake to meet this objective.

Identification of funding and procurement issues

Description of timeframe, objectives, and benchmarks

Identification and assessment of LEP communities

Collaboration with LEP communities and other stakeholders

Identification of persons who will implement the plan

Notice of language assistance services

Staff training on policies and procedures

Monitoring and updating of policies, plan and procedures

(1). Agency Language Access Coordinator:

This person is responsible for ensuring that the Agency adheres to its language access policy directives, plan, and procedures to provide access to LEP Individuals. The Language Access Coordinator will report to the Agency Head or high-ranking manager for successful implementation. The Coordinator is responsible for language assistance services and may delegate duties but should retain overall responsibility for oversight and implementation of the LAP. Since DDS is an Agency with several regional office and 23 area offices there will be assigned individuals designated to assist local LEP Individuals needing access to service.

The Agency Language Access Coordinator is: Lorraine Woodson, Director of Diversity, Department of Developmental Services, 500 Harrison Avenue, Second Floor, Boston MA 02118, Telephone: 617-624-7530, Lorraine.Woodson@state.ma.us.

The Agency's LAP Coordinator will be responsible for monitoring this plan. Monitoring activities will include:

- Making periodic site visits to assess whether staff is knowledgeable about the policies and procedures and how to implement them;
- Obtaining annual updates on cost incurred for resources by the Agency;
- Reviewing the language needs of potential applicants and existing clients and whether existing assistance services is meeting the needs of such persons;
- Assessing the LEP makeup (demographics) of the relevant service area;
- Assess whether the sources of and arrangements for assistance remain current and viable;
- Reporting annually to the Commissioner and Senior Staff about the progress of the LAP;
- Identifying sufficient qualified interpreters and translators;
- Maintaining a regularly updated list of all employees who receive bilingual deferential in pay;
- Outlining a process for requesting interpreter and translation services.
- Reviewing in what languages DDS should provide Agency Information;
- Providing input into budgetary and procurement matters related to LAP implementation

2. Agency Language Needs Assessment:

The Agency will ensure that LEP identified individuals seeking services have access to what they need through a variety of approaches including: initial contact with regional personnel assigned to assist such individuals; providing information in the language that is accessible to individuals with LEP; providing technical assistance to LEP individuals seeking service; and providing trained staff who are proficient in the individual's language.

- The Agency has identified that the Hispanic population in three regions, Central/West, Northeast and Metro meets the 5% threshold as outlined in Administrative Bulletin..
- All LEP individuals seeking services will have initial contact with the Area Office located closest to them and can also access the Regional Office and Central Office.

(3) Language Resource Assessment

- Identification of existing staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters. Attachment C provides the names of Bilingual staff by location.
- DDS has identified staff that receives Bi-lingual deferential pay who speaks Spanish and will utilize their expertise in interpretation when delivering services to Individuals or the Hispanic Community in the identified regions.
- Use of community-based resources, DDS is fortunate to contract with providers in the designated regions who have a long history of delivering services to the local Hispanic Community. DDS will utilize the services of Bay State Interpreters and Multicultural Community Services as needed.

(4) Language Service Protocols

The Department will provide the following resources for LEP individuals seeking services:

- Oral Interpretation – Staff
- Oral Interpretation – Telephone Support
- Oral Interpretation – In Person Assistance
- Oral Interpretation – Non-Profit Assistance
- Oral Interpretation – Use of Other Interpreters

- LEP individuals must be informed by the Agency that interpreter service will be provided free of charge to them thus ensuring access to oral interpretation services by trained bi-lingual staff or if necessary, support from a non-profit whom the LEP individual has a history of accessing services or from a family member who is proficient in English and Spanish and other languages.

- Oral Interpretation - where feasible the Agency should use bilingual staff to communicate with LEP individuals in their primary language (Spanish) including assisting such individuals with understanding program materials, filling out forms, answering questions about programs and responding to requests for information. At the present time, DDS employs Spanish bi-lingual staff that receives bilingual differential pay to provide interpreting assistance when needed. DDS has considered the language needs of our Hispanic population and has recruiting bi-lingual staff to support this population. While bi-lingual staff members are a valuable resource, DDS also is mindful of creating a burden on staff members who volunteer for interpreting services.

- Oral Interpretation- Telephone Support – LEP individuals will have the availability of bi-lingual staff when requesting information or making appointments with staff. The Regional and Area staff will be instructed to place calls for LEP individuals to the appropriate bilingual Service Coordinator who will assist the LEP individuals who may be seeking services or assistance.

- Oral Interpretation – In Person Assistance – Upon request DDS will provide qualified person to provide interpreter services at no cost to the LEP individual to ensure meaningful access to DDS programs and services. The LEP individual will be informed of whom s/he will have as an interpreter. If there is no one available at the time the LEP individual is requesting assistance, h/she will be given an appointment time as early as possible with an assigned bilingual Service Coordinator.

- Oral Interpretation – Non-Profit Assistance – Upon request the Agency will make an effort to collaborate with other EOHHS Agencies, non-profits, and community groups, which can provide competent oral, or in person interpretation services to community members.

LEP individuals if needed can bring a member of a non-profit or community group to assist in asking questions, filling out forms or seeking information.

- Oral Interpretation – Use of Other Interpreters – The LEP individual may request that a family member or other trained interpreter provide interpretation services.

Family members acting as interpreters should not interfere with the LEP individual's efforts to seek services, complete forms or obtain information. Staff members should be advised to be aware to the potential for any conflict of interest or competency issues that may arise from the involvement of family or trained interpreter who may be a friend.

- For languages other than Spanish, the DDS will utilize EOHHS's contract with Language Line. If Language Line utilization is great during this the run time of this LAP, DDS will take steps to establish its own contract with Language Line.

(5) Vital Document Translation

The following documents are in Spanish:

- Autism Waiver Services – EOHHS Website;
- Family Support Plans – EOHHS Website;
- Family Support Survey – EOHHS Website;
- All Autism Documents; and,
- Eligibility Documents for Services

(6) Stakeholder Consultation

DDS will share this plan with our two primary interpreter services Bay State Interpreter Services and Multi-Cultural Community Services. In addition, DDS will consult with other providers regionally as needed.

(7) Staff Training

DDS's Director of Training, after consulting with the Language Access Coordinator, will design training for staff on their responsibilities under the LAP. The training will explain how staff can identify the language need of an LEP individual, work with interpreters, request document translations, and track the use of language assistance services. Training will be targeted to all managers, to those employees who interact or communicate with LEP Individuals, and to staff responsible for arranging for language assistance.

(8) Notice to Public

The Agency's LAP will be available to the public in written form and on the EOHHS website. A notice will be posted at assigned Regional Offices that DDS has developed a LAP and is available upon request. A notice will notify LEP individuals of DDS free language assistance and the steps necessary to access such assistance.

(9) Agency Monitoring

The Agency's Diversity Director who is the designated Language Access Coordinator is responsible for monitoring the LEP through the receipt and analysis of agency reports.

(10) Complaint Process

LEP individuals can file a complaint with the Language Access Coordinator (LAC) if they feel that they are being denied the ability to access agency services because they are non-English speaking or because they have Limited English Proficiency. Such complaints must be in writing and may be sent to the Language Access Coordinator who is responsible for investigating them and forwarding a summary of findings and conclusion(s) to the General Counsel and Appointing Authority for their review and recommendations. An individual(s) can appeal the Agency's denial of access language services to the Office of Access and Opportunity: Please see attachment A

Attachment A

Language Access Complaint Procedure

All Individuals may file a complaint with the Agency's Language Access Coordinator or with the Office of Access and Opportunity if you believe you have been denied the benefits of this Plan. Complaints must be file within 6 months of the alleged denial and must be in written form. The complaint must be submitted to:

Lorraine Woodson, Director
Diversity, Equal Opportunity
Department of Developmental Services
500 Harrison Avenue
Boston, MA 02118
Email Address: Lorraine.Woodson@state.ma.us

Complaints to the Office of Access and Opportunity may be submitted to:

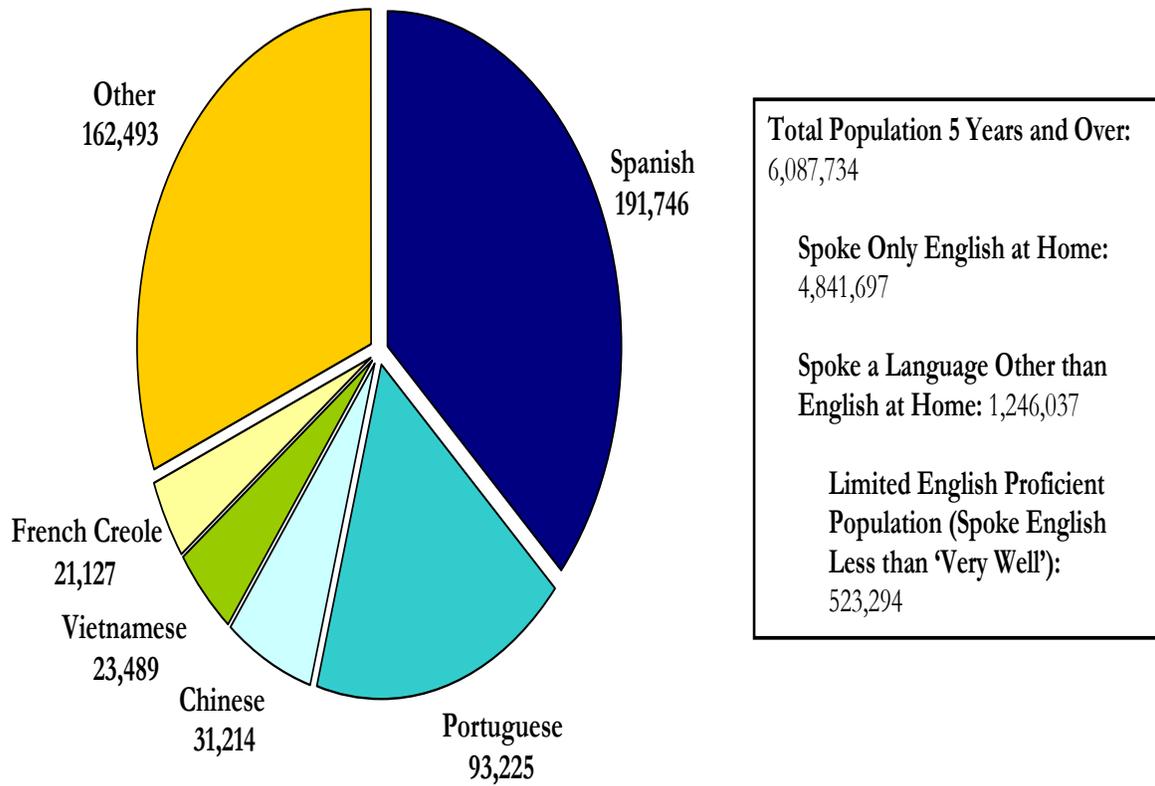
Office of Access and Opportunity
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133
Email Address: Ronald.Marlow@massmail.state.ma.us

Agency Head
Date:

Secretary
Date:

Attachment B

Most Commonly Spoken Languages in Massachusetts LEP Population



Source: U.S. Census, American Community Survey, Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for the United States, April 2010 (Complete data included in virtual handout at masslegalservices.org)

Attachment C

Fifteen Most Commonly Spoken Languages Other than English in Massachusetts*: Ranked by Total Number of Speakers

Language	Total Speakers
Spanish	430,185
Portuguese	183,029
French	73,303
Chinese	62,814
French Creole	48,400
Italian	47,478
Russian	38,723
Vietnamese	35,011
Greek	24,793
Arabic	23,600
Polish	23,571
Cambodian	21,385
German	18,344
Hindi	14,574
Korean	14,316

*Population: Persons 5 years and older who speak a language other than English at home

Source: U.S. Census, American Community Survey, Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for the United States, April 2010

Attachment D

Fifteen Most Commonly Spoken Languages Other than English in Massachusetts*: Ranked by Limited English Proficiency (LEP)** Percentage of Total Population

Data is organized by percentage of the total language population that is Limited English Proficient to give a more accurate picture of the language service needs of each group.

Language	Total Speakers	LEP* Population	Percentage LEP/Total
Vietnamese	35,011	23,489	67
Cambodian	21,385	11,899	56
Portuguese	183,029	93,210	51
Chinese	814	31,214	50
Russian	38,723	18,938	49
Korean	14,316	6,940	48
Spanish	430,185	191,746	45
French Creole	48,400	21,127	44
Polish	23,571	9,517	40
Arabic	23,600	8,683	37
Italian	47,478	14,251	30
Greek	24,793	6,697	27
French	73,303	16,759	23
Hindi	14,574	2,682	18
German	18,344	2,113	12

*Population: Persons 5 years and older who speak a language other than English at home**LEP defined as “speak English less than very well”

Source: U.S. Census, American Community Survey, Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for the United States, April 2010 (Complete data included in virtual handout at masslegalservices.org).

Attachment E

FAQ'S

Q. What is a Language Access Plan?

A. An agency's Language Access Plan is an administrative blueprint that identifies how an agency will ensure that meaningful access will be available to LEP individuals. The Language Access Plan outlines the tasks to be undertaken, establishes deadlines by which actions will be taken, identifies responsible personnel, and establishes priorities. An agency's Language Access Plan shall be updated every two years.

Q. What are state agency requirements relative to language access?

A. State agencies are required to take reasonable steps to ensure meaningful access to their services, programs and activities by LEP persons through the development and implementation of a Language Access Plan. Such access shall be ensured when the **LEP population meets or exceeds 5% of the agency client population**. An Agency **may and should** implement a Language Access Plan whose threshold requirements are more stringent than ANF Administrative Bulletin #16. The starting point is an individualized assessment that balances the following four factors:

- (1) The number and proportion of LEP persons served by the agency in its services, programs and activities (see the threshold in the preceding paragraph);
- (2) The frequency with which non-English speakers and LEP individuals come in contact with the service, program or activity;
- (3) The nature and importance of the service, program or activity provided by the agency; and
- (4) The fiscal resources available to the agency and/or costs incurred by the agency.

What is the definition of a Limited English Proficient (LEP) individual?

A. An individual who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English can be limited English proficient, or LEP

Q. What is the difference between utilizing a bilingual staff person and an interpreter or translator to meet language access needs?

A. People who are completely bilingual are fluent in two languages. They are able to conduct the business of the workplace in either of those languages. Bilingual staff can assist in meeting the ANF Administrative Bulletin #16 requirement of ensuring meaningful access to LEP persons. One of the primary ways that bilingual staff can be used as part of a broader effort to ensure meaningful access is to have them conduct business with the agencies' LEP clients directly in the clients' primary language.

Note: Many individuals have some proficiency in more than one language, but are not completely bilingual. They may be able to greet a Limited English Proficient individual in his or her language, but not conduct agency business in that language. The distinction is critical to ensure meaningful communication and appropriate allocation of resources. It should be noted by the agency that interpretation and translation require additional specific skills in addition to being fully fluent in two or more languages.

Q. What is the difference between Interpretation and Translation?

A. Interpretation involves the immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text. As a result, interpretation requires skills different from those needed for translation.

Interpretation is a complex task that combines several abilities beyond language competence to enable delivery of an effective professional interpretation in a given setting. In many circumstances, using a professional interpreter or translator will be both necessary and preferred. However, if bilingual staff members are asked to interpret or translate, they should be qualified to do so. Assessment of ability, training on interpreter ethics and standards, and clear policies that delineate appropriate use of bilingual staff, staff or contract interpreters and translators, will help ensure quality and effective use of resources